



Metro Outer Development Assessment Panel Minutes

Meeting Date and Time: Wednesday, 2 October 2024; 9:30am
Meeting Number: MODAP/40
Meeting Venue: 140 William Street, Perth

A recording of the meeting is available via the following link:

[MODAP/40 – 2 October 2024 – Shire of Murray – City of Joondalup](#)

PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement
2. Apologies
3. Members on Leave of Absence
4. Noting of Minutes

PART B – SHIRE OF MURRAY

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
4. Form 2 DAP Applications
 - 4.1 Lot 99 (25) James Street, Pinjarra – Proposed Modification To Child Day Care Centre – DAP/22/02325
5. Section 31 SAT Reconsiderations

PART C – CITY OF JOONDALUP

1. Declaration of Due Consideration
2. Disclosure of Interests
3. Form 1 DAP Applications
 - 3.1 Lot 16 & 17 (254 & 252) Camberwarra Drive, Craigie – Residential Building (Change of Use) – DAP/24/02666
4. Form 2 DAP Applications
5. Section 31 SAT Reconsiderations

PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals
2. General Business
3. Meeting Closure

Clayton Higham
Presiding Member, Metro Outer DAP



Attendance	
<i>Specialist DAP Members</i>	<i>DAP Secretariat</i>
Clayton Higham (Presiding Member)	Kristen Parker
Jacky Jurmann (Deputy Presiding Member)	Claire Ortlepp
Lindsay Baxter	
<i>Part B – Shire of Murray</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr David Bolt	Greg Delahunty
Cr Ange Rogers	Martin Garrett
<i>Part C – City of Joondalup</i>	
<i>Local Government DAP Members</i>	<i>Officers in Attendance</i>
Cr Adrian Hill	Cathrine Temple
Cr Nige Jones	Adam Wood

Clayton Higham
Presiding Member, Metro Outer DAP



Applicant and Submitters
<i>Part B – Shire of Murray</i>
Alessandro Stagno (Apex Planning)
<i>Part C – City of Joondalup</i>
Reegan Cake (Dynamic Planning & Developments) Ben Graham (AGEM Property Group) Julius Skinner (Thomson Geer) Adrian Cagnana (Hatch)

Members of the Public / Media

Nil

Observers via livestream

There were 6 persons observing the meeting via the livestream.

Clayton Higham
Presiding Member, Metro Outer DAP



PART A – INTRODUCTION

1. Opening of Meeting, Welcome and Acknowledgement

The Presiding Member declared the meeting open at 1:00pm on 2 October 2024 and acknowledged the traditional owners and custodians of the land on which the meeting is taking place and welcomed members.

The Presiding Member announced the meeting would be run in accordance with the DAP Standing Orders 2024 under the *Planning and Development (Development Assessment Panels) Regulations 2011*.

1.1 Announcements by Presiding Member

The Presiding Member advised that panel members may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

The meeting was recorded and livestreamed on the DAP website in accordance with regulation 40(2A) of the *Planning and Development (Development Assessment Panels) Regulations 2011*. Members were reminded to announce their name and title prior to speaking.

2. Apologies

Cr Rebecca Pizzey (Local Government DAP Member, City of Joondalup)

3. Members on Leave of Absence

Nil.

4. Noting of Minutes

DAP members noted that signed minutes of previous meetings are available on the [DAP website](#).

Clayton Higham
Presiding Member, Metro Outer DAP



PART B – SHIRE OF MURRAY

1. Declaration of Due Consideration

The Presiding Member noted that details of a DAP direction for further information and responsible authority response in relation to Item 4.1, received on 27 September 2024 was published in Part B of the Related Information.

All members declared that they had duly considered the documents contained within Part B of the Agenda and Part B of the Related Information.

2. Disclosure of Interests

Nil.

3. Form 1 DAP Applications

Nil.

4. Form 2 DAP Applications

4.1 Lot 99 (25) James Street, Pinjarra – Proposed Modification To Child Day Care Centre – DAP/22/02325

Deputations and Presentations

Alessandro Stagno (Apex Planning) addressed the DAP in support of the recommendation for the application at Item 4.1 and responded to questions from the panel.

The Shire of Murray addressed the DAP in relation to the application at Item 4.1 and responded to questions from the panel.

REPORT RECOMMENDATION

Moved by: Cr David Bolt

Seconded by: Cr Ange Rogers

That the Metro Outer Development Assessment resolves to:

1. **Accept** that the DAP Application reference DAP/22/02325 as detailed on the DAP Form 2 dated 2 August 2024 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;

Clayton Higham
Presiding Member, Metro Outer DAP



2. **Approve** DAP Application reference DAP/22/02325 and accompanying plans:

- Site Plan, A00, Rev C dated 30/7/24
- Ground Floor Plan, A02, Rev E, dated 24/7/24
- Elevations, A11, Rev D, dated 24/7/24

in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the *Shire of Murray Local Planning Scheme No. 4*, for the proposed amendment to the approved Child Day Care Centre at Lots 99 James Street, Pinjarra subject to the following conditions:

Amended Conditions

5. Detailed civil engineering drawings and specifications are to be submitted for:

- ~~a. the upgrade of the section of Forrest Street abutting the site including associated drainage;~~
- a. the construction of a footpaths within the abutting portions of James Street and Forrest Street and footpath links to connect the existing path network on the south western side of James Street;
- ~~c. on street parking bays; and~~
- d. the site crossover with a satisfactory separation distance to the existing power pole achieved through detailed design, relocation of the pole and/or construction of an island;

shall be lodged for approval by the local government prior to the commencement of construction. Construction works are to be undertaken in accordance with the approved engineering drawings and specifications to the satisfaction of the local government prior to the development first being occupied.

6. The carpark must:

- a) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3A of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;
- b) provide one car parking space dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities;

Clayton Higham
Presiding Member, Metro Outer DAP



- c) provide a of 2.4m wide footpath connecting the car parking spaces to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
 - d) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
 - e) comply with the above requirements for the duration of the development.
9. Prior to the submission of an application for a building permit the recommendations of Part 7 of the Herring Storer Environmental Acoustic Assessment Ref: 32995-2-22246-03 dated July 2024 shall be incorporated within the building design. The recommendations of Part 7 of the report shall be implemented for the duration of the development to the satisfaction of the local government.
19. The Child Day Care Centre shall be limited to a maximum 400 101 children at any one time.

Deleted Conditions

- ~~22. A context and character assessment and suitable design response for the elevation plans consistent with the plans outlined in Attachment 7 or suitable alternative is to be submitted for approval prior to an application for a building permit. The approved revised plans are to be implemented.~~
- ~~25. Wheel stops are to be provided to all onsite car parking bays.~~

New Conditions

22. Satisfactory arrangements being made with the local government for the 50% cost of upgrading and/or construction of Forrest Street where it abuts the development site to a standard of an Access Road inclusive of full earthworks, carriageway, dual use path, drainage infrastructure, landscaping, on-street parking, underground power, lighting, kerbing and services and service relocations.
25. Prior to the submission of a Building Permit application, a drainage management plan is to be submitted and approved to the satisfaction of the local government. The approved drainage management plan shall be implemented during construction and maintained for the duration of the development.

All other conditions and requirements detailed on the previous approval dated **20 December 2022** shall remain unless altered by this application.

Clayton Higham
Presiding Member, Metro Outer DAP



AMENDING MOTION 1

Moved by: Lindsay Baxter

Seconded by: Clayton Higham

That Condition No. 22 be deleted and the remaining conditions be renumbered accordingly.

The Amending Motion was put and LOST (2/3).

For: Lindsay Baxter
Clayton Higham

Against: Jacky Jurmann
Cr David Bolt
Cr Ange Rogers

AMENDING MOTION 2

Moved by: Jacky Jurmann

Seconded by: Cr David Bolt

That Condition No. 22 be amended to read as follows:

*Satisfactory arrangements being made with the local government for the ~~50% cost of upgrading~~ **partial contribution to the upgrade and/or construction** of Forrest Street where it abuts the development site to a standard of an Access Road inclusive of full earthworks, carriageway, dual use path, drainage infrastructure, landscaping, on-street parking, underground power, lighting, kerbing and services and service relocations **footpath, drainage and road surface.***

The Amending Motion was put and CARRIED (3/2).

For: Jacky Jurmann
Cr David Bolt
Cr Ange Rogers

Against: Clayton Higham
Lindsay Baxter

REASON: The majority of panel members were satisfied that the need and nexus test could be satisfied when considering an upgrade to Forrest Street. The proposed condition was modified to ensure that an equitable contribution is made by the proponent for the upgrading of Forrest Street to a satisfactory condition.

Clayton Higham
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION (AS AMENDED)

That the Metro Outer Development Assessment resolves to:

1. **Accept** that the DAP Application reference DAP/22/02325 as detailed on the DAP Form 2 dated 2 August 2024 is appropriate for consideration in accordance with regulation 17 of the Planning and Development (Development Assessment Panels) Regulations 2011;
2. **Approve** DAP Application reference DAP/22/02325 and accompanying plans:
 - Site Plan, A00, Rev C dated 30/7/24
 - Ground Floor Plan, A02, Rev E, dated 24/7/24
 - Elevations, A11, Rev D, dated 24/7/24

in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the *Shire of Murray Local Planning Scheme No. 4*, for the proposed amendment to the approved Child Day Care Centre at Lots 99 James Street, Pinjarra subject to the following conditions:

Amended Conditions

5. Detailed civil engineering drawings and specifications are to be submitted for:
 - a. ~~the upgrade of the section of Forrest Street abutting the site including associated drainage;~~
 - b a. the construction of a footpaths within the abutting portions of James Street ~~and Forrest Street~~ and footpath links to connect the existing path network on the south western side of James Street;
 - c. ~~on street parking bays; and~~
 - d b. the site crossover with a satisfactory separation distance to the existing power pole achieved through detailed design, relocation of the pole and/or construction of an island;

shall be lodged for approval by the local government prior to the commencement of construction. Construction works are to be undertaken in accordance with the approved engineering drawings and specifications to the satisfaction of the local government prior to the development first being occupied.

6. The carpark must:
 - f) be designed, constructed, sealed, kerbed, drained and marked in accordance with User Class 3A of Australian/New Zealand Standard AS/NZS 2890.1:2004, Parking facilities, Part 1: Off-street car parking prior to applying for a Building Permit;

Clayton Higham
Presiding Member, Metro Outer DAP



- g) provide one car parking space dedicated to people with disabilities, which are designed, constructed, sealed, kerbed, drained and marked in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009, Parking facilities, Part 6: Off-street parking for people with disabilities;
 - h) provide a of 2.4m wide footpath connecting the car parking spaces to the main entrance of the development by a continuous accessible path of travel designed and constructed in accordance with Australian Standard AS 1428.1—2009, Design for access and mobility, Part 1: General Requirements for access—New building work;
 - i) be constructed, sealed, kerbed, drained and marked prior to the development being occupied and maintained thereafter; and
 - j) comply with the above requirements for the duration of the development.
9. Prior to the submission of an application for a building permit the recommendations of Part 7 of the Herring Storer Environmental Acoustic Assessment Ref: 32995-2-22246-03 dated July 2024 shall be incorporated within the building design. The recommendations of Part 7 of the report shall be implemented for the duration of the development to the satisfaction of the local government.
19. The Child Day Care Centre shall be limited to a maximum 400 101 children at any one time.

Deleted Conditions

- ~~22. A context and character assessment and suitable design response for the elevation plans consistent with the plans outlined in Attachment 7 or suitable alternative is to be submitted for approval prior to an application for a building permit. The approved revised plans are to be implemented.~~
- ~~25. Wheel stops are to be provided to all onsite car parking bays.~~

New Conditions

22. Satisfactory arrangements being made with the local government for the partial contribution to the upgrade of Forrest Street where it abuts the development site to a standard of that Access Road inclusive of footpath, drainage and road surface.
25. Prior to the submission of a Building Permit application, a drainage management plan is to be submitted and approved to the satisfaction of the local government. The approved drainage management plan shall be implemented during construction and maintained for the duration of the development.

All other conditions and requirements detailed on the previous approval dated **20 December 2022** shall remain unless altered by this application

Clayton Higham
Presiding Member, Metro Outer DAP



The Report Recommendation (as amended) was put and CARRIED UNANIMOUSLY

REASON: The panel members were satisfied that the modified proposal met the general requirements of the planning framework and that the conditions imposed would ensure the centre operated in a way that did not cause any amenity or traffic impacts.

5. Section 31 SAT Reconsiderations

Nil.

Cr David Bolt & Cr Ange Rogers (Local Government DAP Members, Shire of Murray) left the panel at 1:40pm.

A handwritten signature in black ink, appearing to read 'Clayton Higham'.

Clayton Higham
Presiding Member, Metro Outer DAP



PART C – CITY OF JOONDALUP

Cr Adrian Hill & Cr Nige Jones (Local Government DAP Members, City of Joondalup) joined the panel at 1:42pm.

1. Declaration of Due Consideration

All members declared that they had duly considered the documents contained within Part C of the Agenda and Part C of the Related Information.

2. Disclosure of Interests

DAP Member, Clayton Higham, declared an impartiality interest in item 3.1. Mr Higham's daughter lives on Camberwarra Drive, however some 1.2kms away from the subject site.

In accordance with section 3.3 of the DAP Code of Conduct 2024, the DAP Executive Director determined that the member listed above, who had disclosed an impartiality interest, was permitted to participate in the discussion and voting on the item.

3. Form 1 DAP Applications

3.1 Lot 16 & 17 (254 & 252) Camberwarra Drive, Craigie – Residential Building (Change of Use) – DAP/24/02666

Deputations and Presentations

Adrian Cagnana (Hatch) addressed the DAP against the recommendation for the application at Item 3.1 and responded to questions from the panel.

Reegan Cake (Dynamic Planning & Developments) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Ben Graham (AGEM Property Group) addressed the DAP in support of the recommendation for the application at Item 3.1 and responded to questions from the panel.

Julius Skinner (Thomson Greer) addressed the DAP in support of the recommendation for the application at Item 3.1.

The City of Joondalup addressed the DAP in relation to the application at Item 3.1 and responded to questions from the panel.

Clayton Higham
Presiding Member, Metro Outer DAP



REPORT RECOMMENDATION

Moved by: Cr Adrian Hill

Seconded by: Cr Nige Jones

That the Metro Outer Development Assessment Panel resolves to:

1. **Approve** DAP Application reference DAP/24/02666 and accompanying plans (Attachment 2) in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the provisions of the City of Joondalup Local Planning Scheme No. 3, subject to the following conditions:

Conditions

1. Pursuant to clause 26 of the Metropolitan Region Scheme, this approval is deemed to be an approval under clause 24(1) of the Metropolitan Region Scheme.
2. This decision constitutes planning approval only and is valid for a period of four (4) years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
3. This approval relates to the change of use to '**Residential Building**' as defined in the *Planning Codes* which states:

Residential Building: *A building or portion of a building together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*

- *temporarily by two or more persons; or*
- *permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.*

All development shall be in accordance with the approved plans, any other supporting information and conditions of approval. It does not relate to any other development on the lot. A change of use from that defined above may require further approval from the City.

4. The 'Residential Building' shall operate in accordance with the Operational Management Plan dated August 2024, to the satisfaction of the City of Joondalup.
5. The lots subject of this application (Lot 16 and Lot 17 (254 and 252) Camberwarra Drive, Craigie) are to be amalgamated within 12 months of the date of this approval and an updated Certificate of Title issued to the City of Joondalup.

Clayton Higham
Presiding Member, Metro Outer DAP



6. A detailed landscaping plan is to be provided for the subject site and adjacent verge area. The landscaping plan detailing the plant species, densities, planting locations as per the City's Private Community Purposes Local Planning Policy requirements, is to be lodged for approval by the City prior to lodging a Building Permit. Planting and installation must be in accordance with the approved landscaping and reticulation plans and completed prior to occupation of the development and maintained thereafter, to the satisfaction of the City.
7. Parking areas, driveways and points of ingress and egress must be designed and constructed in accordance with the Australian Standard for Off-street Carparking (AS 2890) and must be drained, sealed, marked and maintained to the satisfaction of the City prior to occupation of the development.
8. The parking areas and associated access indicated on the approved plans must not be used for the purpose of storage or obstructed in any way at any time, without the prior approval of the City.
9. All stormwater associated with the site is to be retained on site.
10. The development shall at all times comply with the requirements and recommendations of the Bushfire Management Plan prepared by Bushfire Prone Planning and dated 12 February 2024. Any amendments to the Bushfire Management Plan shall be submitted to, and approved by the City, prior to occupation of the development.

Advice Notes

1. The applicant is advised that this change of use may affect the Building's classification under the Building Code of Australia, and approval under the *Building Act 2011* may also be required prior to occupation.

The Report Recommendation was put and **CARRIED UNANIMOUSLY**

REASON: The panel members were satisfied that the applicant had addressed the concerns raised at the initial meeting and that the operational management plan and the additional parking would ensure any proposed use of the residential building would occur in such a way that the amenity of the neighbours and the locality more generally would not be impacted. The panel noted that the landowner was open to negotiating with the adjoining school to ensure a sufficient fence is constructed.

4. Form 2 DAP Applications

Nil.

5. Section 31 SAT Reconsiderations

Nil.

Clayton Higham
Presiding Member, Metro Outer DAP



PART D – OTHER BUSINESS

1. State Administrative Tribunal Applications and Supreme Court Appeals

The DAP noted the status of the following State Administrative Tribunal Applications and Supreme Court Appeals:

Current SAT Applications				
File No. & SAT DR No.	LG Name	Property Location	Application Description	Date Lodged
DR193/2023 DAP/23/02545	Shire of Serpentine Jarrahdale	Lot 218 (No.575) Abernethy Road, Oakford	Proposed Educational Establishment	19/12/2023
DR94/2024 DAP/23/02623	City of Cockburn	Lot 9501 Gaebler Road, Hammond Park	Mixed Use Commercial Development	27/06/2024
DR146/2024 DAP/23/02523	City of Gosnells	65 (Lot 98) Mills Road West, Gosnells	Place of Worship	30/09/2024

The Presiding Member noted the following Supreme Court Appeal -

Current Supreme Court Appeals				
File No.	LG Name	Property Location	Application Description	Date Lodged
DAP/23/02496 CIV 2251 of 2023	City of Swan	Lot 2 & 67 (No.163) and Lot 18 (No.159) James Street, Guildford	Proposed redevelopment of Vaudeville Theatre	03/11/2023

2. General Business

The Presiding Member announced that in accordance with Section 7.3 of the DAP Standing Orders 2024 a DAP member must not publicly comment on any action or determination of a DAP.

3. Meeting Closure

There being no further business, the Presiding Member declared the meeting closed at 2:18pm.

Clayton Higham
Presiding Member, Metro Outer DAP